

CODE OF PROFESSIONAL CONDUCT

NBTA of The New Brunswick Teachers' Association

Amended to June, 1998

Revised July, 2001

The Pledge

We, the members of the New Brunswick Teachers' Association, accepting the responsibility to practise our profession according to the highest ethical standards, acknowledge our responsibility to the teaching profession. We are prepared to judge and be judged by our colleagues according to the provisions of the Code of Ethics.

Principles

The Code of Ethics is based on the following principles:

Teacher-Student

- Teachers shall regard as their first obligation the student's physical, social, moral, and educational growth.
- Teachers have regard for the dignity, liberty and integrity of students under their supervision and endeavour to convey to students some understanding of their own worth.
- Teachers maintain high standards of professional competence and endeavour to develop in their students an appreciation for high standards of accomplishment.
- Teachers have regard for the safety of their students.
- Teachers recognize the special position of trust and responsibility which they assume in their guidance of young people.

Teacher-Teacher/Profession

- Teachers endeavour to maintain public knowledge of their profession by improving and maintaining favourable public relations.
- Teachers endeavour to improve their professional competency by study, travel or other means which will make them aware of changes in education and the world.
- Teachers strive to be supportive of other teachers and ensure that any criticism of other teachers is judicious and proper.
- Teachers support their Association and Federation in promoting the interests of teachers.

Teacher-Employer

- Teachers respect the authority of the School District in the management of schools.
- Teachers avoid all conflicts of interest that arise from, or that might impair their employment.

CODE OF ETHICS

1. Teacher-Student

It shall be unethical for a teacher to

- a) treat pupils in a manner that is unjust or partial;
- b) exploit the privileged relationship between teacher and pupil;
- c) undermine the confidence of teachers or students in other students;
- d) divulge other than through professional channels any information of a personal or domestic nature concerning pupils obtained in the course of his/her professional duties;
- e) accept additional remuneration for tutoring a pupil in any subjects in which the teacher is responsible for giving classroom instruction to that pupil;
- f) knowingly disregard the safety of his/her pupils;
- g) fail to notify the Minister of Health and Community Services, as per the terms of the Family Services Act, where he or she has information causing him or her to suspect that a child has been abandoned, deserted, physically or emotionally neglected, physically or sexually ill-treated, or otherwise abused.
- h) fail to notify the Minister of Education where he or she has information causing him or her to suspect that a student has been physically or sexually ill-treated or otherwise abused by an adult in the school system.

2. Teacher-Teacher/Profession

It shall be unethical for a teacher to

- a) seek a position except through professional means;
- b) seek a position that is declared in dispute by the NBTF;
- c) undermine the confidence of students or parents in other teachers;
- d) criticize a fellow teacher except (i) when demanded or authorized by law or work place policies; (ii) in response to enquiries for factual information by the administrative staff, in carrying out the normal course of their duty to the employer; or (iii) where warranted to protect the interests of the profession;
- e) submit a report either oral or written on a fellow teacher without informing the teacher as per nos. 2(d)(i) or 2(d)ii);
- f) knowingly submit false or misleading reports on fellow teachers;
- g) seek to change NBTA policy except through the proper channels of the NBTA (Local Branch, Board of Directors, Executive, General Meeting);
- h) recognize any individual or group except the NBTA and the NBTF as the official voice of teachers;
- i) criticize the NBTA, its Directors, Executive or Administrative Staff, except within the membership of the NBTA;
- j) while holding a position of added responsibility, subscribe to the dismissal of a teacher on the grounds related to work performance, without first attempting to help and counsel that teacher by means of formative evaluation;
- k) accept personal gifts which would not directly benefit the school program, from companies servicing the needs of schools or student extracurricular activities;
- l) use his/her position to profit from the sale of goods and services to or for pupils in the teacher's charge.

3. Teacher-Employer

It shall be unethical for a teacher to

- a) acting alone or as a member of a group, take unilateral action with a School District, the Minister of Education, or any government person or persons, or politician in matters which contrary to the position of the NBTA or NBTF, or which may be prejudicial to fellow members;
- b) engage in activities which are unrelated to his/her role as an educator for personal financial gain during the hours of instruction.

4. Conduct Unbecoming a Member of the Profession

It shall be unethical for a teacher, while acting in a professional capacity or otherwise, to engage in misconduct of a reprehensible and serious nature which, in the opinion of the Professional Conduct and Standards Committee(Provincial), discredits the teaching profession or raises serious concerns, as to the teacher's integrity.

5. Misconduct of a Criminal Nature

It shall be unethical for a teacher to conduct himself/herself in such a way as to be convicted in a court of competent jurisdiction of a criminal offense which, in the opinion of the Professional Conduct and Standards Committee(Provincial), represents serious misconduct which is relevant to the teacher's suitability as a member of the profession.

IMPLEMENTATION

Professional Conduct and Standards Committee (Branch)

1. Each Branch shall appoint a Professional Conduct and Standards Committee consisting of five members.
2. The function of the Committee shall be to investigate ethics charges and, where it deems necessary, require that the Professional Conduct and Standards Committee(Provincial) conduct a hearing.

Professional Conduct and Standards Appeal Committee(Regional)

1. There shall be Professional Conduct and Standards Appeal Committees(Regional) consisting of three members.
2. The Committee shall be established in each of the following regional locations:
 - (a) Saint John (for Branches 0618, 0619, 0820, 1021, 1022, and 1023)
 - (b) Moncton (for Branches 0214, 0215, 0216, 0217, and 1640)
 - (c) Fredericton (for Branches 1809, 1724, 1725, 1826, 1827, and 1428)
 - (d) Bathurst (for Branches 1608, 1610, 1536, 1538, and 1542)
 - (e) Florenceville (for Branches 1429, 1430, 1431, 0333, 1450, and 1454)
3. The President(Provincial) shall, in consultation with the Executive, appoint the Professional Conduct and Standards Appeal Committees and shall designate the Chairpersons.

4. The function of the Committees shall be to hear appeals from complainants in ethics charges in those cases where Branch Committees are recommending that hearings not be held; the decision of the Appeals Committee is final.

Professional Conduct and Standards Committee(Provincial)

1. There shall be a Professional Conduct and Standards Committee (Provincial) consisting of six members, one of which will be selected from the public by the NBTA Board of Directors.
2. The President shall, in consultation with the Executive, appoint the Professional Conduct and Standards Committee and shall designate the Chairperson.
3. The function of the Committee shall be to hear cases of alleged unethical conduct on the part of teachers which have been referred from Branch Committees.
4. A hearing conducted by the Professional Conduct and Standards Committee (Provincial) shall include the chairperson, the member selected from the public, and three members of the committee.

PROCEDURE

Who may be Charged

1. Any statutory member of the New Brunswick Teacher's Association (NBTA)
2. Any person who was a statutory member of the New Brunswick Teachers' Association (NBTA) at the time of the occurrence of the event(s) which could lead to a proceeding under this Code, so long as not more than two years have elapsed from the last date that the person was a statutory member of the New Brunswick Teachers' Association (NBTA).

Laying a Charge

1. A member of either the New Brunswick Teachers' Association (NBTA) or the Association des enseignantes et des enseignants francophones du Nouveau-Brunswick (AEFNB) or an NBTA Branch or the NBTA Executive Committee may lodge in writing an ethics charge against a teacher or teachers and the charge must be signed by the appropriate person or persons.
2. The charge shall be based on alleged unethical conduct and shall state specifically under which section of the Code of Ethics the charge is being laid.
3. The charge shall be submitted in writing to the Chairperson of the Professional Conduct and Standards Committee (Branch) with a copy of the charge to the respondent and the Executive Director.

Function of Branch Committee

4. Within 14 days of the receipt of the written charge, the Branch Committee shall investigate and determine if a hearing by the Professional Conduct and Standards Committee (Provincial) is warranted. If, in the opinion of the Branch Committee, a hearing is not warranted, then the matter is concluded subject to the complainant's right of appeal to the Regional Committee.

If Provincial hearing NOT To Be Held

5. If the Branch Committee determines that a hearing should not be held, the complainant may, within five (5) days of notification of the decision of the Branch Committee, register a notice of appeal with the Chairperson of the appropriate Regional Appeal Committee. Within fourteen (14) days of the receipt of the notice of appeal, the Regional Appeal Committee shall investigate and determine if a hearing by the Professional Conduct and Standards Committee is warranted. The decision of the Appeals Committee is final.

If Provincial Hearing To Be Held

6. Within a further five (5) days, if the Branch Committee or the Regional Appeal Committee determines that a hearing shall be held, the respondent and the complainant shall be given due notice; a copy of the notice and all particulars related to the charge shall be forwarded to the NBTA Executive Director by the Chairperson of the Branch Committee.
7. The Executive Director shall, within a further five (5) days, forward all particulars related to the charge to the Chairperson and members of the Professional Conduct and Standards Committee (Provincial).
8. The chairperson, within a further thirty (30) days, shall convene a hearing.

Function of the Provincial Committee

9. The committee shall
 - a) Direct the Executive Director to notify all parties involved of the time and place of the hearing at least twenty (20) days before the hearing is to be held.

Conduct of the Hearing

- b) Conduct the hearing with the complainant and the respondent notified to be present. Should the respondent fail to appear following due notice, the Committee may nonetheless proceed. Each party shall have the right to conduct its case either personally, by teacher advocate, or by legal counsel, to file documents, to call witnesses, to examine and cross-examine witnesses. The Chairperson of the Professional Conduct and Standards Committee shall chair the hearing, assisted by legal counsel retained by the Association, such legal counsel to act as advisor to the Committee in all matters related to the hearing. The rules of evidence related to civil action shall be applied by the Committee in the conduct of the hearing. The burden of proof to be met shall be “on the balance of probability”, not “beyond a reasonable doubt” as in criminal actions.

Sanctions

- c) Determine whether or not the respondent is guilty of a breach of the Code of Ethics and if guilty, apply one or more of the following sanctions.
 - (i) a private reprimand
 - (ii) a public reprimand (without limiting the generality of this, it could take one of the following forms.)
 - a. notice to respondent and other interested parties or
 - b. notice to respondent, other interested parties, and appropriate school staff, or
 - c. notice to respondent , other interested parties, and appropriate superintendent, or

- d. notice to respondent, other interested parties, and published in an Association newsletter.
- (iii) suspension of one or more of the following membership privileges:
 - a. educational improvement grants
 - b. consumer buying assistance
 - c. interest-free loans
 - d. eligibility for a Roy C. Hill Award
 - e. eligibility for Project Overseas
 - f. eligibility for Johnson Scholarship
 - g. appointment to any NBTA delegations
 - h. participation on any NBTA Committees
- (iv) recommend to the Minister of Education the suspension or cancellation of the teacher's license.

Notification of Decision of Committee

- 10. The Executive Director shall, within ten (10) days after the completion of the hearing, notify both parties of the decision of the Committee.

Expenses

- 11. (a) Travel, meals and accommodation expenses for the complainant, or designate and the respondent, or designate, will be borne by the Association in keeping with the current policy on expenses.
- (b) The expense of witnesses for the successful party may be paid at the discretion of the Committee.

Reinstatement

- 12. A person whose license has been suspended or cancelled as the result of an official action taken by the Minister of Education may apply for reinstatement by submitting a written application to the Board of Directors. The Board of Directors shall consider the application and recommend that the Minister of Education grant or deny the reinstatement. No application for reinstatement shall be considered by the Board of Directors until a waiting period of thirty (30) days has been completed.

Definitions

- 13. (a) Complainant(s): A member of either the New Brunswick Teacher's Association (NBTA) or the Association des enseignantes et des enseignants francophones (AEFNB), or NBTA Branch or the NBTA Executive who lays a charge under the Code of Ethics.
- (b) Respondent(s): The teacher or teachers against whom a charge has been laid pursuant to the Code of Ethics.
- (c) Notice(s): For purposes of this Code means official written notification by registered mail or personal service.
- (d) Days: For purposes of this Code means teaching days.
- (e) Rules of Evidence: Those normally in vogue in civil proceedings but at the absolute discretion of the Professional Conduct and Standards Committee.
- (f) Burden of Proof: On the balance of probability.

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